

January 27, 2009
Commissioners Meeting

Minutes

A meeting of the Board of Commissioners of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on the 27th day of January, 2009. The County Board of Commissioners met at 8:30 a.m. Present were: Jerry L. Heard , Jerold Kracl and Skip Oehlich, County Commissioners , Rita M. Mundil, County Clerk, and Bo Botelho, County Attorney. Notice of this meeting was given in advance thereof by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. Copies of the Open Meetings Act were posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

The chairman stated a copy of the Open Meeting Act statute is posted and available to the public.

Motion Kracl; second Heard to approve the agenda. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Kracl; second Oehlich to approve the minutes of January 12, 2009. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

The general assistance clerk gave a report of the activities of her department, no need to enter into executive session.

The Personnel committee met with the board and presented recommendations for addition/revisions to the County's Personnel Handbook. Recommendations were to add language to the Code of Ethics; change the closing time of Christmas Eve to 12:00 noon instead of 1:30 p.m.; increase vacation to a maximum of twenty days instead of fifteen; and to amend Resolution 12-28-99(1) to have the current elected officials and board appointed employees to sign their approval of the Personnel Handbook.

Motion Heard; second Oehlich on Chapter 1. (Code of Ethics for County Employees) page 1, add language to include: 9. No employee and or office shall exhibit, cause to be exhibited or allow to be exhibited any obscene, offensive or otherwise inappropriate material in any county office or space; Chapter 4. (Benefits) page 9, amend language to include: When Christmas Eve Day falls on a normal scheduled work day, the courthouse shall close at 12:00 (noon). This day shall not be considered a holiday as defined under 25-2221 Nebr. R.R.S. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

Motion Heard; second Oehlich on Chapter 5. (Leaves of Absence) C. Vacation- page 13, amend language to include:

- a. After one year: five days
- b. After two years: ten days
- c. After five years: eleven days
- d. After six years: twelve days
- e. After seven years: thirteen days
- f. After eight years: fourteen days
- g. After nine years: fifteen days
- h. After ten years: fifteen days
- i. After eleven years: fifteen days
- j. After twelve years: fifteen days
- k. After thirteen years: fifteen days
- l. After fourteen years: fifteen days
- m. After fifteen years: fifteen days
- n. After sixteen years: sixteen days
- o. After seventeen years: seventeen days
- p. After eighteen years: eighteen days
- q. After nineteen years: nineteen days
- r. After twenty years: twenty days (maximum)

Voting YES: Oehlich and Heard. Voting NO: Kracl. Motion carried.

Motion Heard; second Kracl to approve the amendment on Resolution 12-28-99(1) the elected officials and appointed employees of offices of Colfax County do hereby adopt this agreement which provides employment practices and policies common to all offices and departments. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

The clerk confirmed reservations for the NIRMA meeting and NACO board workshop coming up in early February. She provided a copy of the STOP Revenue, lodging tax revenue and the fuel refund from the general and road fund. She informed the board that in the month of December the NACO Prescription Drug Card was used 17 times and reviewed NIRMA's correspondence announcing a new hire of a Law Enforcement and Safety Specialist.

The sheriff provided a copy of his December monthly report to the board and it will be placed on file.

Motion Kracl; second Heard to approve the revised Resolution 1-12-09 to include the annual salary of the Assistant Highway Superintendent. Voting YES: Heard, Kracl and Oehlich. Voting NO: None, Motion carried.

Motion Heard; second Oehlich to approve the quote from Frontier to replace the main unit of the phone system for the amount of \$5,184.28. Voting YES: Krael, Oehlich and Heard. Voting NO: None. Motion carried.

The E911 coordinator provided a copy of her quarterly radio activity report to the board and it will be placed on file.

The board discussed obtaining a maintenance agreement for the courthouse phone system; after much discussion it was decided it is not necessary at this time.

Motion Heard; second Krael to enter executive session for a teleconference with Robert Keith on pending litigation with Colfax County at 9:37 a.m. Voting YES: Heard, Krael and Oehlich. Voting NO: None. Motion carried.

Motion Heard; second Krael to exit executive session at 10:03 a.m. Voting YES: Krael, Oehlich and Heard. Voting NO: None. Motion carried.

The chairman stated no action was taken while in executive session.

The zoning administrator gave a report of the activities of his department; he also reviewed correspondence on railroad crossing sight distance regulation with the board.

Motion Heard; second Oehlich to open a public hearing at 10:15 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation for a lot split permit application by Dean and Lana Bell to create a lot of less than 20 acres in the A-1 zoning district north of Richland in part of W1/2 SE1/4 S32 T18N R2E of the 6th P.M. in Colfax County. Voting YES: Oehlich, Heard and Krael. Voting NO: None. Motion carried.

The zoning administrator included in his report that the applicant wants to split off an existing farmstead to separate the buildings and residence from the adjoining land. The property has not been previously split, there is direct access to a public road, the existing septic system is adequate, notice has been posted and published, and all fees have been paid. It is the recommendation of the planning commission to approve the lot split application.

The applicant was not present.

Motion Heard; second Krael to close the public hearing at 10:25 a.m. Voting YES: Heard, Krael and Oehlich. Voting NO: None. Motion carried.

Motion Heard; second Krael to accept the recommendation of the planning commission and grant approval of the lot split application by Dean and Lana Bell. Voting YES: Krael, Oehlich and Heard. Voting NO: None. Motion carried.

Motion Heard; second Krael to open a public hearing at 10:25 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation for a conditional use permit application by Dean and Lana Bell to locate an existing farmstead on a lot of less than 20 acres in the A-1 zoning district north of Richland in part of W1/2 SE1/4 S32 T18N R2E of the 6th P.M. in Colfax County. Voting YES: Oehlich, Heard and Krael. Voting NO: None. Motion carried.

The zoning administrator included in his report that the applicant wants to separate an existing residence on a lot of 5.7 acres. The lot has been surveyed and a copy is placed on file in his office. The property has legal access to an improved road, the existing septic system is adequate, the setback requirements comply with regulations, notice has been posted and published and all fees have been paid. It is the recommendation of the planning commission to approve the conditional use application with the following conditions. 1) The small outbuilding located 4.5 feet from the edge of the property to be demolished or moved within one year.

The applicant was not present.

Motion Heard; second Oehlich to close the public hearing at 10:27 a.m. Voting YES: Heard, Krael and Oehlich. Voting NO: None. Motion carried.

Motion Heard; second Krael to accept the recommendation of the planning commission and grant approval of the conditional use application by Dean and Lana Bell with the following condition: 1) The small outbuilding located 4.5 feet from the edge of the property to be demolished or moved within one year. Voting YES: Krael, Oehlich and Heard. Voting NO: None. Motion carried.

Motion Heard; second Oehlich to open a public hearing at 10:28 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation for a lot split permit application by Larry & JoAnne Beiermann to create a lot of less than 20 acres in the A-1 zoning district south of Clarkson in part of NW1/4 NE1/4 S31 T20N R3E of the 6th P.M. in Colfax County. Voting YES: Oehlich, Heard and Krael. Voting NO: None. Motion carried.

The zoning administrator included in his report that the applicant wants to split off their existing building from the adjacent farm ground and create a lot of 5.79 acres. The lot has been surveyed and a copy is placed on file in his office. There is legal access to an improved road and the lot has not been previously split.

The applicant was present and made no additional comments.

Motion Heard; second Oehlich to close the public hearing at 10:30 a.m.
Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Heard; second Oehlich to accept the recommendation of the planning commission and grant approval of the lot split application by Larry & JoAnne Beiermann. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

Motion Heard; second Oehlich to open a public hearing at 10:31 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation for a conditional use permit application by Larry & JoAnne Beiermann to locate an existing farmstead on a lot of less than 20 acres in the A-1 zoning district south of Clarkson in part of NW1/4 NE1/4 S31 T20 R3E of the 6th P.M. in Colfax County. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

The zoning administrator included in his report that the applicant wants to locate an existing residence on a lot of less than twenty acres in an A-1 zoning district. The 5.79 lot has been surveyed and a copy is placed on file in his office. The property has legal access to a public road, the existing septic system is adequate, notice has been posted and published and all fees have been paid.

The applicant was present and made no additional comments.

Motion Heard; second Kracl to close the public hearing at 10:33 a.m.
Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Heard; second Kracl to accept the recommendation of the planning commission and grant approval of the conditional use application by Larry and JoAnne Beiermann. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

Motion Kracl; second Oehlich to approve the following claims and issue checks for them. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

<u>All Funds</u>		
Blue Cross-Blue Shield	Health Premiums	22,709.46
Ameritas Life Ins. Co.	Retirement Premiums	9,753.65
EFTPS	FICA/Medicare	10,574.38
<u>Juv. Div. Program</u>		
Salaries		1,300.00
Alltel	Service	1.59
Platte Valley Diversion Program	Kits	240.00
Kevin Stout	Software	353.09
<u>911 Fund</u>		
Apco International Inc.	Dues	184.02
Frontier	Service	322.92
Indoff	Office supplies	200.94
NESCA	Dues	30.00
Qwest	Service	1,447.72
XM Satellite Radio	Responder	301.97
<u>Road Bridge Fund</u>		
Salaries		37,658.53
Alltel	Services	154.91
Bomgaars Supply	Shop supplies/tools/oil/chain	710.62
Clarkson Plumbing & Heating	Shop supplies	39.92
Columbus Steel Supply Inc.	Equipment parts	610.08
Cooperative Supply Inc.	Propane/fuel/shop supplies	3,784.86
Dept. of Utilities	Services	85.47
Doernemann Farm Service Inc	Shop supplies/oxygen	258.81
Electrical Engineering & Equip.	Wall heater	281.62
Farmers Union Coop Gas	Fuel/shop supplies	4,929.34
Fastenal	Shop supplies/bolts	50.69
Fiala Chev. & Buick	Equipment parts/labor	411.48
Fremont Sanitation	Services	77.78
Frontier	Phone	53.58
Hanel Oil Inc.	Fuel/tire repair	2,117.70
Hegemann Hardware & Electric	Shop tools/supplies	32.85
J & B Auto Parts	Equipment parts/shop supplies	162.59
J & L Automotive	Tire repair	61.00
John's Tire Sales	Tire repair	14.00
Loup Public Power-Columbus	Services	348.58
M.D. Products, Inc.	Equipment parts	1,254.82
Mainelli-Wagner & Associates Inc	Contract	1,800.00
Midwest Outdoor Power	Chain saw repair	36.49
Midwest Service & Sales	Equip parts/signs/posts/steel products	11,429.66

Nebraska Machinery	Equipment parts/labor	6,564.19
Nebraska Salt and Grain Co.	Salt	1,282.09
Oakview One Stop	Fuel	327.50
OPPD	Services	156.22
Power Plan	Equipment parts	52.96
Precision Industries. Inc.	Equipment parts	93.02
Prusa Welding	Equipment parts/labor	211.22
QC Supply LLC	Shop supplies	103.42
Qwest	Services	165.70
Road Builders	Equipment parts	499.55
Sapp Bros. Petroleum, Inc	Fuel	2,225.23
Schneider Oil	Fuel/tires/mount	3,854.30
Schuyler Cooperative Assn.	Propane/fuel	2,413.45
Schuyler Lumber	Shop supplies	28.14
	Machine equipment/grease & oil	2,602.51
Stern Oil Co. Inc.	Service	22.00
U & I Sanitation Service	Equipment parts/shop supplies	603.00
Vacin, Inc.	Service	30.00
Village of Howells	Service	141.30
Village of Leigh		

General Fund

Salaries		102,300.73
Advanced Correctional Healthcare	Pharmacy services	386.34
Alegent Health	Service	33.00
Alegent Health Memorial Hospital	Service	143.10
AS Central Finance	Network serv #6507	284.31
AS Central Finance	Network serv #6506	448.00
Atlantic Tactical	Equipment	350.84
Mel Baumert	Mileage	1.76
Behavioral Interventions	EM Rental	98.90
Viola Bender	Mileage/meals	76.21
Robert Bierbower	Atty's fees	2,122.22
Black Hills Energy	Utilities	590.04
Lynn Blum	Cell Reimb./prisoner meals	151.27
Bomgaars Supply	Supplies	2.44
Ervin A. Bos	Prior service	168.00
Lamar J. Brdicko	Prior service	300.00
Bruegger's	Lower heater/labor	842.59
Butler County Court	Cert Copy	4.00
Circulation Payment Center	Subscription	34.00
Clarkson Motor Co.	Vehicle repair	148.85
Clerk of District Court	Court Costs	62.00
CMRS-FP	Postage	500.00
Coca-Cola	Vending	90.63
Colfax County Court	Court Costs	617.50
Colfax County Press	Proceedings/subscription	1,021.58
Colfax County Treasurer	Taxes	175.01
Columbus Community Hospital	Laboratory	88.00
Columbus Telegram	Stmts/holiday hours/notices	230.96
Community Internet Services	Internet	350.00
Constellation Energy	Utilities	3,319.96
Cooperative Supply Inc	Fuel	101.86
Corral Repair	Vehicle repair	713.50
Robert P. Dahlstedt	Mileage	21.06
Danlin Corp d/b/a Magnum Builders	Attorney's roof	13,500.00
Dept. of Utilities	Utilities	2,370.70
Brenda Dolezal	Supplies	23.81
Eakes Office Prod. Center	Calculator/fax machine/copies	575.34
Egan Supply Co.	Janitorial supplies	300.29
Egr & Birkel	Atty's fees	862.50
Electrical Engineering & Equip.	Building repair	150.19
Chris Eller	Prior service	120.00
Farmers Union Coop Gas	Fuel/oil	104.39
Eugene Figgner	Prior service	180.00
First National Bank	Checks	45.33
Fornoff & Schutt	Atty's fees	1,905.00
Frye, Frazey & Assoc.	Court Security	984.50
Galls' Inc.	Law enforcement supplies	10.71
GE Capital	Copier	139.80
Goff Tree Moving	Service	100.00
Grant & Grant	Atty's fees	412.50

Greenfield Inc.	Stop Funds	733.67
Gross & Welch	Public defender contract	4,720.84
Melissa Grovijohn	Mileage	128.70
Juan Gutierrez	Interpret	20.00
Eldon Leroy Hart	Prior service	92.32
HHS Institution Payments	Lincoln	186.00
	Beatrice	93.00
Sandra I Heavican	Mileage	51.48
Hometown Leasing	Copiers	766.69
Alice M. Horak	Mileage	102.96
Leonard Hrouda	Prior service	156.00
Margaret Hrouda	Prior service	92.32
Indoff	Office supplies	750.83
J & B Auto	Supplies/bldg repair	18.23
Jackson Services	Service	61.00
JEO Consulting Group, Inc.	Survey	87.50
Johns Tire Sales	Service	34.95
Just Another Mini Mart	Fuel	39.33
Kaiser Appraisal	Contract/mileage	2,418.48
Karel/Seckman	Atty's fees	1,370.04
Janis Kasik	Agent's board mtg	256.00
Nicole Kassmeier	Janitor	38.50
Kelly Supply Co.	Building repair	195.24
Marion (Mike) Kment	Prior service	46.16
Knoepfle & Kracl Law Office	Atty's fees	350.00
Latimer Reporting	Depositions	171.67
Madison County Sheriff's Dept.	Subpoena returns	101.24
Maintenance Engineering LTD	Bulbs	244.56
Matthew Bender & Co. Inc.	Law enforcement supplies	189.45
Maximus Inc.	Service	1,150.11
Mels' Construction Co. Inc.	Suspended ceiling	1,388.70
Martin Metschke	Electronic monitor	418.00
Charles Meyer	Contract zoning	2,747.25
Microfilm Imaging Service	Service	240.00
MIPS	Network Support	3,403.00
NACO Planning & Zoning	Dues	30.00
NE Nebr. Juvenile Service	JBOP	16,201.83
NE Planning & Zoning Assoc.	Membership	40.00
	Board	
Nebr. Assoc. of County Officials	workshop/directories/dues	1,509.17
Nebr. Assoc. of County Clerks	Dues	75.00
Nebraska Emergency Medicine	BOP medical expenses	272.00
NE Public Health Serv System	Service	780.00
NE Supreme Court	Publications	68.60
NE Weed Control Assoc.	Reg.	85.00
NE Nebr. Assoc. of County Clerks	Dues	10.00
Aaron Nygren	Mileage	193.87
Oakview One Stop	Fuel	1,157.14
Officenet	Supplies	84.74
Eleanor Pacas	Prior service	300.00
Judy Paprocki	Mileage	51.48
Chuck Pekny	Mileage	84.24
Dennis Pickhinke	Mileage	75.45
Pioneer Telephone	Phone service	287.95
Platte County Detention Facility	BOP	22,425.00
Platte County Court	Cert Copy	1.75
Platte County Sheriff	Subpoenas	72.63
QC Supply LLC	Pipe insulation	7.87
Qwest Communications	Services (CH)	2,138.49
	Ext/Weed	147.55
Region IV Inc.	3rd quarter	3,210.75
Reinecke Motor Co.	Vehicle repair	774.75
Brenda Rist	Mileage	41.80
Schneider Oil Co	Fuel/oil/tires	417.05
Jesse Schutz	Uniforms	35.00
Schuyler Coop Assn.	Fuel	37.20
Schuyler Electric Inc.	Connector	7.50
Schuyler Golf Club	Rent	75.00
Schuyler Lumber Co. Inc.	Building repair	22.92
Devin Scott	Uniforms	35.00
Joe Smaus	Uniforms	35.00
Eunice Smith	Prior service	144.00
Brett Struebing	Uniforms	35.00

Shirley Svec	Prior service	192.00
Svehla, Thomas, Rauert & Grafton	Atty's fees	30.00
Gladys M. Swanson	Prior service	92.32
Donald J. Trojan	Prior service	69.24
U & I Sanitation Service	Service	198.63
Visa	Goggles	79.90
Adolph Vitek	Prior service	57.70
Esther Wennekamp	Prior service	57.70
Wire-Free Nebraska	Internet service	79.95
Xerox Corporation	Copier/copies	330.99
Andrew Yost	Uniform	35.00

The emergency manager gave a report of the activities of his office and informed the board that he will attend training in North Platte the first week in February; he provided a proposal for a maintenance agreement for the courthouse generator and it was decided that the maintenance agreement was not necessary at this time.

The highway superintendent and assistant highway superintendent gave a report of the activities of the road department. The board discussed the gravel specs that the county requires and received an update on the Leigh Dam Project.

Motion Heard; second Oehlich to approve February 24, 2009 at 11:00 a.m. for the public hearing for the 1 & 6 Year Road Improvement Hearing. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

A proposed Hydraulic Assessment to provide a survey and engineering services to analyze the capacity of the Hughes Payzant Ditch was presented to the board. Motion Kracl; second Heard to approve Mainelli Wagner & Associates to provide a survey and engineering service to analyze the capacity of the Hughes Payzant Drainage Ditch and identify potential projects to improve the function of the ditch contingent on a cost share with the NRD. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

The highway superintendent discussed with the board that the State of Nebraska Board of Public Roads Classifications and Standards has passed a new Minimum Design Standards on September 28, 2008 indicating new bridges shall be designed with HL93 Bridge Design Loading and all bride projects designed to the prior standards will require a Relaxation of Standards.

Motion Heard; second Kracl to approve Resolution 1-27-09(1) for new bridges shall be designed with HL93 Bridge Design Loading (Softmatch Bridge Program). Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

Motion Kracl; second Oehlich to approve Resolution 1-27-09(2) for new bridges shall be designed with HL93 Bridge Design Loading (Federal-Aid Bridge Replacement Projects). Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Kracl; second Oehlich to approve the speed reduction on Road E and Road 9 to 35 mph as per Speed Reduction Study conducted by Mainelli Wagner & Associates Inc. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

Recessed at 12:40 p.m. to reconvene at 1:25 p.m.

The clerk summarized the day’s agenda and action taken.

Motion Heard; second Kracl to adjourn BOC at 1:32 p.m. to meet again February 9, 2009. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

A meeting of the Board of Equalization of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on the 27th day of January, 2009. The County Board of Equalization met at 1:35 pm. Present were: Jerold Kracl, Jerry Heard and Skip Oehlich, County Commissioners, Rita M. Mundil, County Clerk, Viola Bender, County Assessor . Notice of this meeting was given in advance by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. A copy of the Open Meetings Act was posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

The county assessor provided the board with the 451/451A requests she has received for properties that request tax exempt status. The board reviewed the requests.

Motion Heard: second Kracl to adjourn the BOE meeting at 1:45 p.m. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

I, Rita M. Mundil, duly appointed County Clerk of said county, do hereby certify that accurate minutes of this meeting as stated in the agenda were kept while the meeting was in session, were recorded in the Commissioners Records, and were completed for public inspection and publication on the 28th day of January, 2009.

Rita M. Mundil, County Clerk

